



Michael Del Grande

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To: Regular Board– Thursday, February 22, 2018

From: Mike Del Grande – Trustee Ward 7

Subject: **Consideration of Motion - Reimbursement of Legal Fees**

Whereas, the Board may have no authority to reimburse an individual member of the Board for legal expenses incurred in relation to activity engaged in as a member of the Board: and

Whereas, Trustees cannot presently seek reimbursement for legal expenses related to their activities and duties as Trustees; and

Whereas, Trustees may or may not be reimbursed for the following that are incurred in fulfilling their responsibilities as Trustees (not personal):

Role	Issue
Trustees as Members of the Board	Legal Fees related to insurance claims, director liability or defamation
	Legal Fees for FOI requests for Trustee records
	Legal Fees for Criminal or Civil Cases when found not guilty or not liable, or Municipal conflict of interest cases where member succeeds

Whereas, an Indemnification Policy for Members of The Board, Management and Excluded Staff may be required for legal advice/support for both Members of the Board and Management/Excluded staff; and

Whereas, claims brought against Trustees for civil or defamation are presently not covered under the Boards Insurance Policies; and

Whereas, there is currently no Board policy that provides for reimbursement in respect of expenses incurred by Trustees when initiating a civil or defamation action; and/or defending a civil or defamation claim: and

Whereas a policy to cover legal actions brought on or by Members of the Board should satisfy the public interest objective of encouraging the highest standards of ethical behaviour among elected officials and protecting the reputation of the Board and its public officials.

Therefore be it resolved that an external legal opinion be obtained and submitted to Board on indemnifying Members of the Board and Management/Excluded staff (if not already covered) for legal advice/support on civil and defamation actions; and

Further be it resolved that the Ministry of Education be requested to advise the Board of their position on reimbursing legal expenses for Trustees incurred in their capacity as members of the Board.

Mike Del Grande
Trustee Ward 7